

Office of Missouri Attorney General
Jeremiah W. (Jay) Nixon

STUDENT

CONSUMER FRAUD GUIDE



Missouri
Attorney General
Jay Nixon
encourages students
to take time to learn
the facts and the law
to help them make
smart choices. “By
knowing the law, you
will make better
decisions when you
shop for cars and
loans, rent, navigate
the Internet, and
resolve consumer
complaints.”

Dear Student,

School days may once have been considered carefree, but in today's complex marketplace, students must be equipped to handle a barrage of ads and offers on everything from cars to credit cards.

And because today's students also have tremendous purchasing power, they have become prime targets for con artists. That is why getting information on everyday issues such as credit, part-time jobs, car buying, apartment renting and Internet shopping is an important part of your education.

As Missouri's Attorney General, I am glad to provide you with this student guide. It instructs you on how to spot fraud and how to protect and assert your rights as a consumer. Your future depends on your ability to make smart decisions, not only in the classroom but in the marketplace.

Sincerely,



Jeremiah W. (Jay) Nixon
Missouri Attorney General

Report fraud

If you have been defrauded, you can file a consumer complaint form found at www.moago.org or call the Consumer Protection Hotline at 800-392-8222.



The Missouri Office of the Attorney General is an equal opportunity employer.

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Consumer Fraud 101

Familiarize yourself now with consumer issues so you will be better prepared for life after graduation.



Safety Net

PERSONAL INFORMATION

Information about you is constantly gathered on the Internet. Whenever you enter a chat room, leave a message on a bulletin board, enter a contest, or order a product, you send personal information into cyberspace. Some Web sites even require information from you as the “toll” you pay to enter. The Internet has its share of snoopers and con artists, so protect personal data when you go online.

- Use a secure browser. This software scrambles the purchase information you send. Most computers have a browser installed, or you can download a free one on the Internet.
- Check the privacy policy of an Internet company before doing business.
- Shop with known companies. Ask unfamiliar ones to send a catalog or brochure. Check refund and return policies.
- Keep your password private. Avoid using a phone number, birth date or part of your Social Security number for a password. Use a combination of numbers, letters and symbols.

Slam the spam

To remove your name from e-mail lists for one year, register online for free at www.e-mps.org

SHOPPING ON THE NET

Internet shopping may offer bargains and conveniences you won't find at a store, but it can be risky business. To make sure your deal is legitimate and to protect personal information, check out these tips:

- Shop with companies you know. Anyone can set up shop on the Internet. Ask for a catalog or brochure from unfamiliar companies. Also, check out refund and return policies before ordering.
- Pay by credit or charge card so your transaction will be protected under the Fair Credit Billing Act. This law gives you the right to dispute charges under certain circumstances and temporarily withhold payment.
- Keep printed records of all transactions including purchase orders and confirmation numbers.

Times have changed

Today's fast-paced technology calls for more deliberate decisions when shopping or browsing the Web.



Need help with credit problems?

If you are having financial problems, contact your school adviser or the Consumer Credit Counseling Service. The nonprofit CCCS offers professional credit counseling at little or no cost:

Call: 800-966-3328.

Or click (no spaces):
www.consumerdebt.org

Handling credit

PLASTIC CREDIT CAN BE COSTLY

Many students obtain credit cards through on-campus displays that offer free items such as T-shirts and inexpensive watches in return for filling out a credit-card application. Some companies also offer “teaser rates” that may skyrocket after three months.

Credit-card companies want student business so badly they allow students to apply without jobs or income. But if you mishandle payments, the information stays on your credit report for at least seven years and can wreck future credit.

A good credit history is critical to obtaining car loans, home mortgages and even employment, since many employers check credit reports of potential employees. A free T-shirt is not worth seven years of bad credit, so use caution when solicited.

Questions to ask yourself before applying for a credit card:

- Do I need it?
- Can I afford it?
- Can I make more than the minimum monthly payment?



Credit report

Potential employers, landlords and insurers can look at your credit report. Many do.

Making a \$60 monthly payment on a credit card with 19.8 percent interest and a \$3,000 balance will take nine years to pay off and cost you more than \$6,000.

DECREASE CREDIT-CARD OFFERS

To “opt out” of having pre-approved credit offers sent to you for two years, call 1-888-5-OPTOUT (1-888-567-8688).



TITLE LOANS

Title loans may seem like an easy way to get extra money, but beware. You are getting the loan based on the equity, or money value, of your car. If you can't repay the loan, you lose your car.

Wheels & deals

USED CARS

Buying a car is a big step, and a mistake can be costly. There is no state law allowing a buyer to return a car and get a full or partial refund.

BUYERS GUIDE

DISCLAIMER: Seller promises not to sell this vehicle to anyone who is not a buyer. The dealer is not responsible for any repairs or damages to the vehicle.

Make/Model: _____
Year: _____
VIN: _____

WARRANTIES FOR THIS VEHICLE:

☐ **AS IS-NO WARRANTY**
YOU WILL PAY ALL COSTS FOR ANY REPAIRS. The dealer assumes no responsibility for any repairs regardless of any oral statements about the vehicle.

☐ **WARRANTY**

☐ **LIMITED WARRANTY.** The dealer will pay _____ % of the labor and _____ % of the parts for the repair of the vehicle. The dealer will not be responsible for any repairs or damages to the vehicle. The dealer's warranty is limited to a full replacement of warranty coverage, materials, and the dealer's repair obligations. Under this warranty, the dealer will not be responsible for any repairs or damages to the vehicle.

SYSTEMS COVERED:

DURATION:

☐ **SERVICE CONTRACT.** A service contract is available at an extra charge on this vehicle. See for details on its coverage, limitations, price, and expiration. It will not be a warranty contract under 30 days of the date of sale. This service contract may give you additional rights.

☐ **PRE-PURCHASE INSPECTION.** ADD THE DEALER IF YOU WANT HAVE THIS VEHICLE INSPECTED BY YOUR MECHANIC BEFORE YOU BUY IT.

SEE THE BACK OF THIS FORM FOR IMPORTANT ADDITIONAL INFORMATION, including a list of some major dealers that they sell or lease vehicles.

BUYERS GUIDE

One of the most important things to notice is the Buyers Guide. By law, dealers must display this guide in the window of each used car. The guide shows the vehicle make, model, year and identification number.

The guide also has a section where “warranty” or “as is — no warranty” is checked.

Warranty: The dealer promises to pay some or all of the costs of car repairs needed within the warranty period. There are two choices: “full warranty” or “limited warranty.”

✓ **Full warranty:** The dealer provides free service during the warranty period. However, the dealer may specify which systems are covered.



Car is yours

Missouri does not have a three-day “cooling-off” period to return a car you have just bought.

✓ **Limited warranty:** The buyer pays for part of the repairs. The dealer puts in writing what percent he will pay, lists the systems covered and for how long (days or miles).

As is — no warranty: The buyer pays for repairs. Have a mechanic check the car before buying. Most cars sold privately through individuals are sold “as is.”

REPAIR

Car repair is one of the top consumer complaints made to the Attorney General’s Office. Most complaints involve overcharging, poor work and deceptive repair practices. Here’s how to avoid many problems:

- Check out a shop’s reputation.
- Be specific in describing the problem to the mechanic.

Lemon Law

Missouri's Lemon Law applies only to new vehicles and demonstrators or lease-purchase vehicles sold with a warranty.

- Get in writing how much the job should cost. And, tell the mechanic to call for an OK before making any repairs not covered in the repair estimate.
- Get a second opinion if you think the mechanic wants to do unnecessary work.
- If the mechanic says parts must be replaced, ask that the old parts be returned. Have this in writing on the repair order before work begins.
- If the work is guaranteed — get it in writing.

Housing

LANDLORD-TENANT LAW

If you live off campus, it is important to know your rights and responsibilities as a tenant. Missouri law:

- Makes it illegal for a landlord to shut off utilities, unless it is for health and safety reasons.
- Requires landlords to give 60 days' notice before ending leases for mobile home lots.
- Allows landlords to double rent if a renter lets another person take over the premises without the landlord's permission.
- Allows county courts to order quick removal of renters involved in criminal activity, even without a conviction.

THE LEASE

An agreement to rent for one year or more must be in writing and signed by the tenant and landlord. If either the landlord or tenant does not fulfill the terms of the lease, that person can be sued.

The best way to avoid later problems is to make sure the lease you sign is clear about your responsibilities and the

Basic lease terms

The lease should include:

- Landlord's name, address and phone number.
- Address of rental property.
- Amount of monthly rent.
- Amount of security deposit and conditions for its return.



Know the lease

You can't get out of a lease just because you didn't fully understand it.

landlord's. Put in **writing** who has to mow the lawn, fix a clogged sink or pay the utility bills.

Before signing a lease, you should:

- Read the entire lease and ask questions. Once you sign, you cannot get out of a lease because you didn't understand it.
- Ask the landlord to change a lease requirement if you don't agree with it, but make sure that change is put in writing. The landlord has the right to refuse. If changes are made, the landlord and tenant should put their initials by the written change to show that both agree to it.

Before you move in, make and keep a list of any damages or repairs that need to be made. Give a copy to the landlord and attach a copy to your lease. This will ensure your security deposit is not withheld to repair damage you did not do.

ORAL AGREEMENTS (NO LEASE)

An oral agreement is only good for one month. A landlord can evict a tenant or raise rent with only one month's written notice. Likewise, a tenant must give one month's **written** notice to end financial obligations to a landlord. Just telling the landlord or tenant is not legal.

SECURITY DEPOSIT

- A landlord cannot require more than two months' rent as a security deposit.
- At the end of the lease, the landlord has 30 days to return the deposit. A landlord may keep all or part of the deposit for repair of damages, unpaid rent or lost rent because the tenant moved without adequate notice. If damages are claimed, the landlord must provide a list of damages to be paid from the deposit.
- A landlord must notify the tenant of the time and date when a move-out inspection will be done.
- The tenant has the right to be present during the inspection, which must be conducted during regular business hours.
- A tenant may not use the security deposit to pay for the last month's rent.
- If a landlord wrongfully withholds all or part of a deposit, the tenant may sue to recover up to twice the amount withheld.



Write it down

Put all agreements with your landlord in writing to avoid later disputes.

Keep paying rent

A landlord can legally evict a tenant who fails to pay rent, even if the money is spent on repairs.

REPAIRS

- A lease should state which repairs are the landlord's responsibility and which are the tenant's.
- The landlord should make repairs caused by wear and tear and natural forces such as weather.
- Tenants should pay for damages that they or a guest cause.
- A tenant cannot legally withhold rent payments until repairs are completed.



Withholding rent can get you evicted.

- If a home becomes unsafe, the tenant should contact local health or housing authorities.

EVICITION

A landlord cannot evict a tenant without a court order. The landlord may begin eviction proceedings if a tenant:

- Damages property.
- Fails to pay rent.
- Violates terms of the lease.
- Injures the landlord or another tenant.

- Allows drug-related criminal activity on the premises.
- Fails to move when the lease is up.

The tenant will receive notice if an eviction lawsuit has been filed and will have the chance to be heard in court before any eviction.

DISCRIMINATION

Landlords cannot refuse to sell, rent, sublease, charge higher rent or falsely state that housing is not available based on a renter's race, color, religion, sex, disability, national origin or family relationships.

If you believe you have been a victim of discrimination you may contact:

Missouri Human Rights Commission:

toll-free 877-781-4236

Jefferson City area: 573-751-3325

St. Louis area: 314-340-7590

Kansas City area: 816-889-5100

Sikeston area: 573-472-5320

U.S. Department of Housing and Urban Development

Housing discrimination hot line:

800-669-9777

Limited security deposit

A landlord cannot require more than two months' rent as a security deposit.



Employment

PART-TIME, SUMMER JOBS

Advertisements for part-time or summer jobs often appear in newspapers. Some offer good earnings, part-time work or “exciting” travel. Before considering such offers, get the facts.

Door sales

Many student jobs require door-to-door sales.

Many “student” jobs involve sales and require long hours going door to door. You may be coached to falsely claim you are earning points for a scholarship or that sales proceeds are going to a charity. Travel may involve car pooling with other students in the sales crew and sharing cheap hotel rooms.

Companies may promise to pay for living expenses, training and travel costs but deduct these from the student’s pay.

TALENT AGENCIES

A newspaper or magazine ad may announce a talent or model search in your area. Or, you may receive a postcard or a phone call recruiting new faces in



the fashion or television industry.

These agencies play on emotions and dreams, getting hopefuls to register and sign agreements costing hundreds of dollars. In return, the agencies arrange to hire a photographer to shoot professional photos and claim to submit the pictures to modeling agencies doing business in the area. Once you have paid, the agency usually disappears or goes out of business.

“900” PHONE NUMBERS

Beware of employment ads directing you to call 900 telephone numbers. You will be charged a flat fee or per-minute charge that usually is much higher than an ordinary long-distance call.

If you're looking for a job, consider these **free** information resources:

- University and college career-service offices.
- Local and county human resource offices that offer placement assistance and can refer you to other groups.
- State job-service offices that post job vacancies and provide counseling and referrals.
- The Attorney General's Office to check on the reputation of a company. Call 800-392-8222.



Be leery of “900” calls

Avoid calling 900 numbers found in job ads in newspapers and other publications.



Check legitimacy

Graduating students should research scholarship offers and training programs to make sure they are legitimate.

Higher learning

SCHOLARSHIP OFFERS

Students and their families lose as much as \$5 million a year in fees to scam artists promising scholarships or financial aid. Be suspicious of these offers:

- **The scholarship is guaranteed or your money back.** No third party can guarantee a scholarship. Money-back guarantees often have strings attached that make refunds impossible.
- **You can't get this information anywhere else.** Get free information from schools, libraries and the Internet.
- **I need your credit-card or bank-account number to hold this scholarship.** Never give personal financial information over the phone without first getting information in writing.
- **We do all the work.** Wrong — you still must apply for scholarships and grants.
- **The scholarship will cost some money.** Don't pay anyone to "hold" a scholarship.
- **You've been selected by a national foundation to receive a scholarship or You're a finalist** in a contest never entered. Carefully check the organization.

CAREER SCHOOLS

Some students seek careers requiring a special skill offered by career or vocational schools. Although most specialized programs are legitimate, some make false promises. Some common complaints:

- Exaggeration of job demand.
- Misrepresentation of earning levels for certain jobs.
- Failure to post cancellation and refund policies.

Tips if you are considering a specialized training school:

- Know and understand all costs.
- Check the school's accreditation or licensing.
- Tour the school and look over equipment.
- Review faculty credentials.
- Talk to recent graduates.
- Compare similar programs offered through community colleges.
- Check for possible complaints with the Better Business Bureau and Attorney General's Office.
- Get all promises in writing.



Do your homework

Just like any service you buy, students should check out specialized training schools, especially unfamiliar ones.



Choose with care

Buying services and goods is not as simple as it once was.

The buying game

NEGATIVE OPTION PLANS

(Return a card or automatically be billed for books, videos, CDs)

Advertisements may promise a quick and easy way to build your book, CD or video collection by offering “free” or “discounted” merchandise. For example, “Five selections for \$1!” If you order, however, you may be agreeing to buy additional merchandise at the regular price under the buying club’s negative option plan.

Under this plan, a club sends announcements describing its newest offering. If you do nothing you will receive the selection and be billed automatically. If you do not want the selection, you must tell the seller not to send it. This is usually done by returning a card by a certain date. Your contract may require you to buy a certain number of selections during a certain time period.

The law requires companies using negative option marketing to tell you:

- How many selections you must buy.
- How and when you can cancel your membership.
- How to refuse a selection.
- How long you have to return a selection

card. You have at least 10 days. If you get a selection during that time, you can return it for a full credit with the seller paying return postage.

- How to get credit for a returned selection.
- How postage and handling costs are charged.
- How often you will get announcements.

If you join a club, keep copies of promotional materials and any “negative option” forms you return and the dates they were mailed.



EYEGLASSES: SHOP FOR VALUE

Eyeglasses can be expensive, which is why you may want to shop around once you have an exam. You have a legal right to obtain your eyeglass prescription for free immediately following an exam. If your doctor or technician does not provide the prescription, ask for it.

If you wear contact lenses, your doctor may release your prescription without charge to shop elsewhere. Check with the doctor.



Refunds, exchanges

If you are unsure about a purchase, ask the store if it allows refunds or exchanges. Missouri has no law on refund or exchange policies. Stores set their own policies.

Travel scams



DREAMING ABOUT heading for exotic places and sunny beaches during spring or summer break?

Proceed with caution — vacation dreams can quickly turn into a nightmare if you fall victim to a “too-good-to-be-true” vacation offer received through the mail or over the phone.

HOW TO AVOID SCAMS

- Beware of ads with few details that promise a lot for little money.
- Be cautious if you are asked to pay before confirming reservations.
Most reputable travel agents will confirm before payment.
- Deal with an established firm: Check with relatives, friends or the Better Business Bureau.
- If you are unfamiliar with the firm, request written information regarding total vacation cost and all items included. Any transportation, lodging, meals or other items not specifically mentioned may not be included.
- Ask about your right to cancel.

- Be wary of vacation offers that are “good today only.”
- Be wary of vacation offers that are “free,” only to pay substantial processing fees and later to be told the chosen dates are “unavailable.”
- Do not give your credit-card number unless you expect to be charged.



**Avoid trips
to nowhere**

Always
check out a
travel offer
and
remember:
No
business is
in the
business of
giving away
vacations to
strangers.

**Contact
the AGO**

If you have been defrauded, file a consumer complaint form with the Attorney General's Office.

Click:
www.moago.org
or

Call: 800-392-8222

Take action

HOW TO HANDLE A COMPLAINT



When you have a complaint, first contact the business. Accurately describe the problem and what action you would like taken. Do you want your money back, a repair or exchange?

Keep a record of your efforts, including copies of all correspondence.

Complaint letter — what to say:

- Be brief.
- State your name, address, home or work phone number, and an account number if appropriate.
- Include date and place of purchase, who performed the service, product information (such as serial or model number) and warranty terms.
- State the problem and how you want it corrected.
- Include copies (not originals) of all supporting documents.

If you paid with a credit card, write that company. It might be able to resolve your

Sample complaint letter

Your name

Your address

Your city, state, zip code

Date

Replace the brown
text with your own
information

Contact person (if available)

Title (if available)

Company name

Company address

Company city, state, zip code

Re: **account number, if applicable**

Dear **Contact Person:**

On date, I **bought/leased/rented/had repaired a product and model number** at **location**. Unfortunately, I have not been satisfied because **state problem**. To resolve this problem, I would like your company to **state action you want taken**. Enclosed are copies of my records.

Don't send
originals

I look forward to your prompt reply and a resolution to my complaint. You may contact me at the address listed above or by telephone at **number with area code**.

Thank you for your assistance and cooperation.

Sincerely,

Your signature

Your name

Enclosure(s) [**Attach copies of all relevant records**]

cc: **List names of those receiving copies of this complaint letter if applicable**



No results?

If you have tried to fix a problem but are unhappy with the results, you can file a formal consumer complaint with the AG's Office.

problem about shoddy or nondelivered merchandise.

If you are not satisfied with the results, file a formal complaint with the Attorney General's Office or your local Better Business Bureau.

You can get a complaint form from the Attorney General's Office by clicking at www.moago.org/complant.htm or calling the Consumer Protection Hotline at 800-392-8222.

The BBB has offices in St. Louis (314-645-3300), Kansas City (816-421-7800) and Springfield (417-862-4222).

The BBB also offers a free consumer arbitration service to settle disputes between businesses and consumers.

As a last resort, you can file a lawsuit in small claims court or seek legal action in other courts. Consumers who have a claim for up to \$3,000 can, without hiring a lawyer, file suit to recoup their money in small claims court.

Decrease phone calls, mail, e-mail, credit offers

TELEMARKETING CALLS

Missouri's No Call law prohibits telemarketers, with some exceptions, from calling homes on the No Call list. Register for free by clicking on www.moago.org or by calling toll-free 1-866-662-2551.

Telephone Preference Service lets you reduce calls from telemarketers registered with the Direct Marketing Association Telephone Preference Service for five years. Send your request in writing to:
DMA Telephone Preference Service
PO Box 9014
Farmingdale NY 11735-9014

MAIL

Mail Preference Service lets you delete your name for five years from many direct mail lists. Send your request in writing to:
DMA Mail Preference Service
PO Box 9008
Farmingdale NY 11735-9008

PRE-APPROVED CREDIT CARD OFFERS

Credit bureaus offer a toll-free number that allows you to "opt out" of having pre-approved credit offers sent to you for two years. Call:
1-888-5-OPTOUT(1-888-567-8688)

Reduce e-mail
E-mail Preference Service lets you remove your name from e-mail lists for one year. Register at www.e-mps.org



Agencies to contact

If you are unable to resolve a problem with an individual or business, you may want to contact one of these agencies.

STATE AGENCIES

Attorney General's Office

www.moago.org (get complaint form online)

Consumer Protection Hotline:

800-392-8222

Handles complaints against individuals or companies. You also can check for complaints already on file.

No Call Hotline: Toll-free 1-866-662-2551

Decrease telemarketing calls to your home.

FEDERAL AGENCIES

National Highway Traffic Safety Administration

Department of Transportation

Auto Safety Hotline: 800-424-9393

TDD line: 800-424-9153

Provides information about safety-related automotive problems.

Federal Trade Commission

www.ftc.gov

Provides broad range of information on consumer products and issues.

Labor Department, Labor & Wage Division

- Kansas City district: 913-551-5721
- St. Louis district: 314-539-2706
- Springfield district: 417-831-5227

Handles wage disputes.

U.S. Postal Inspection Service

- Mail fraud complaint hot line:
800-372-8347
- Mail fraud, other complaints:
314-539-9300

www.usps.com/postalinspectors

Investigates violations of federal statutes relating to Postal Service crimes.

PRIVATE AGENCIES

Better Business Bureau

- **Kansas City:** 816-421-7800
www.kansascity.bbb.org
- **Springfield:** 417-862-4222
www.springfield-mo.bbb.org
- **St. Louis:** 314-645-3300
www.stlouis.bbb.org

Handles consumer complaints throughout Missouri. Offers free mediation services for disputes between customers and businesses.

www.moago.org



Federal Information Center

Call 800-688-9889 to get phone numbers and information about federal agencies and programs.

**TO GET
A FREE
COPY**

CLICK

**www.
moago.org**

(Most
booklets
are
available
online)



OR CALL

Consumer
Protection
Hotline:
**800-392-
8222**

Available brochures

CONSUMER GUIDES

- For general public
- For students
- Know Your Rights guide covers current scams, life issues

The above guides include several of the following topics that are available in these free pamphlets:

CAR/HOME

- **All About Autos:** Car Repair, Lemon Law, Odometer Rollback, Used Cars
- Charitable Giving
- Door-to-Door Sales
- Home Repair Fraud
- Internet Fraud
- Lien Law
- Warranties

SOLICITATIONS/SALES

- Buying Tips
- Contest Cons
- Magazine Sales
- Slamming & Cramming
- Telemarketing Fraud
- The Real Deal: Shows kids how to be smart shoppers
- Travel Scams
- Vacation Timeshares

INVESTMENT

- Bank Examiner & Pigeon Drop Schemes
- Business Offers
- Home Equity Loans
- Investment Scams
- Pyramid (get-rich-quick) Schemes

HEALTH

- Health & Fitness Clubs
- Hearing Aids
- **Insurance Coverage:** Detecting Fraud, Long-term Care Insurance, Medicare Supplemental Insurance Fraud
- Pre-need Funeral Plans

LEGAL/BUSINESS

- Credit Repair Scams
- Crime Victims' Rights
- Gambling, Lotteries, Raffles
- Going-out-of-Business Sales
- Protecting Victims of Domestic Violence
- Rules for Advertising: Code of State Regulations
- The Court Process: How the criminal justice system works
- The Sunshine Law: State's Open Meetings and Records Law

HANDLING COMPLAINTS

- Consumers, Take Action



Visit **AGO**online

- File a consumer complaint against someone who has defrauded you.
- Reduce telemarketing calls by signing up for the No Call list.
- File a complaint against a telemarketer violating the No Call law.
- Get consumer publications.
- View news releases.
- Link to state statutes.
- Learn more about the Attorney General's Office.



www.moago.org

To file a consumer complaint
or get more information:

Click www.moago.org
or Call 800-392-8222



CONSUMER GUIDE

ATTORNEY GENERAL
JEREMIAH W. (JAY) NIXON

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Jefferson City, MO 65102
573-751-3321
www.moago.org

